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WIRELINE COMPETITION BUREAU DISCLOSES CABLE COVERAGE THRESHOLD IN MEMORANDUM OPINION AND ORDER GRANTING ACS OF ANCHORAGE, INC. FORBEARANCE RELIEF IN THE ANCHORAGE, ALASKA STUDY AREA

WC Docket No. 05-281

On December 28, 2006, the Commission adopted a Memorandum Opinion and Order granting ACS of Anchorage, Inc. (ACS) forbearance, subject to specific conditions, from the obligation to provide unbundled loops and dedicated transport pursuant to sections 251(c)(3) and 252(d)(1) in those portions of its service territory in the Anchorage study area where a facilities-based competitor has substantially built out its network.¹ The publicly available version of the *ACS UNE Order* was redacted to eliminate confidential information that is subject to the protective order governing this proceeding.²

On February 22, 2007, GCI Communication, Inc. (GCI) filed its consent to the public disclosure of certain information identified as confidential in the *ACS UNE Order*, and waives any claim to confidentiality and authorizes disclosure of all information contained in certain sentences in eight particular paragraphs. Specifically, GCI waives confidentiality for the information contained in (1) the final sentence of paragraph 21; (2) the third sentence of paragraph 23; (3) the first sentence of paragraph 31; (4) the final sentence of paragraph 32; (5) the fifth sentence of paragraph 34; (6) the first sentence of paragraph 35; (7) the second and final sentences of paragraph 38; and (8) the final sentence of paragraph 44.³ GCI indicates that this waiver is limited to the information as presented in these specifically cited descriptions of the Commission's wire center coverage threshold and does not extend to the underlying data or any other information derived from the underlying data.⁴

¹ *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area*, WC Docket No. 05-281, Memorandum Opinion and Order, 22 FCC Rcd 1958 (2007) (*ACS UNE Order*), *appeals dismissed*, *Covad Commc'ns Group, Inc. v. FCC*, Nos. 07-70898, 07-71076, 07-71222 (9th Cir., rel. June 14, 2007) (dismissing appeals for lack of standing).

² *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area*, WC Docket No. 05-281, Protective Order, 21 FCC Rcd 6560 (WCB 2006) (*Protective Order*).

³ Letter from John T. Nakahata *et al.*, Counsel for General Communication, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-281 at 1 (filed Feb. 22, 2007) (GCI Feb. 22, 2007 *Ex Parte* Letter).

⁴ *Id.* GCI further explains that its waiver of the *Protective Order* does not extend to any other information contained in the *ACS UNE Order*.

Accordingly, we hereby disclose that the confidential percentage in the fifth sentence of paragraph 34 is 25, and the confidential percentages in each of the other sentences referenced by GCI is 75.⁵ Because the confidentiality of these figures resulted from GCI's initial designation of certain underlying information as confidential, GCI's waiver of any confidentiality claim leads us to remove the confidentiality and non-disclosure protections of these data. Consistent with GCI's representations, we emphasize that the disclosure we make today is limited to the specific information cited in the GCI Feb. 22, 2007 *Ex Parte* Letter.

For further information regarding this proceeding, contact Jeremy Miller, Wireline Competition Bureau, (202) 418-1580.

⁵ *ACS UNE Order*, paras. 21, 23, 31, 32, 34, 35, 38, 44.